

2SSB 5912 - S AMD 81

By Senator Oemig

1 Strike everything after the enacting clause and insert the  
2 following:

3  
4 AN ACT Relating to public funding for supreme court campaigns;  
5 amending RCW 42.17.390; reenacting and amending RCW 3.62.060; adding  
6 new sections to chapter 42.17 RCW; adding a new section to chapter  
7 36.18 RCW; creating new sections; and prescribing penalties.

8

9 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF WASHINGTON:

10  
11 NEW SECTION. **Sec. 1.** INTENT. (1) The intent of this act is to  
12 protect the fairness of elections for the highest court in Washington  
13 state - the supreme court. Doing so will foster the public's trust in  
14 the integrity and independence of the court in the face of  
15 increasingly large sums of money raised and spent by special interest  
16 groups. That flood of money threatens the impartiality, independence,  
17 and credibility of our judiciary. To maintain public confidence in  
18 the judiciary, we must prevent not only corruption, but the appearance  
19 of corruption, for the judiciary is the one branch of government that  
20 must be uniquely impartial, independent, and unbiased in order to best  
21 serve the residents of Washington. It is destructive for our  
22 democracy to allow the court to become influenced by large amounts of  
23 money, and for our citizens to think that judicial decisions are  
24 influenced by those large amounts of money. This act is necessary to  
25 ensure that our highest courts continue to be unbiased and insulated  
26 from special interests.

27

1 (2) Therefore, this act, the judicial election reform act,  
2 introduces a voluntary pilot project to provide an alternative source  
3 of financing candidates for the Washington supreme court who  
4 demonstrate public support and voluntarily accept strict fundraising  
5 and spending limits.

6 (3) The provisions of this act must be broadly interpreted to  
7 carry out the purpose and intent of this act.

8  
9 NEW SECTION. **Sec. 2.** DEFINITIONS. In addition to the  
10 definitions in RCW 42.17.020, the definitions in this section apply  
11 throughout sections 1 through 21 of this act unless the context  
12 clearly requires otherwise.

13 (1) "Contested election" means an election in which there are two  
14 or more candidates running for the same office whose names will appear  
15 on the ballot.

16 (2) "Nonparticipating candidate" means a candidate for supreme  
17 court justice who is on the ballot but has chosen not to apply for  
18 public funds from the judicial election reform act fund or a candidate  
19 who is on the ballot and has applied but has not been certified to  
20 receive public funds from the judicial election reform act fund.

21 (3) "Publicly financed candidate" means a candidate who becomes  
22 certified to receive public campaign funds under section 6 of this  
23 act.

24 (4) "Qualifying contribution" means a contribution in an amount of  
25 at least ten dollars, but no more than twenty-five percent of the  
26 maximum contribution limit allowed under RCW 42.17.645, made by a  
27 registered voter of the state, and is received during the qualifying  
28 period.

29 (5) "Qualifying period" means the period beginning February 1st of  
30 the election year and ending one week after the close of the regular  
31 filing period for the office.

32 (6) "Uncontested election" means an election in which a candidate  
33 running for a specified office has no opponent on the ballot.

34

1        NEW SECTION.    **Sec. 3.**    JUDICIAL ELECTION REFORM ACT FUND.    (1) The  
2 judicial election reform act fund is created in the custody of the  
3 state treasurer. All receipts under sections 4 through 17 of this act  
4 required to be deposited into the fund must be deposited into the  
5 fund. Expenditures from the fund may be used only for the purposes of  
6 the judicial election reform act, sections 1 through 21 of this act.  
7 Only the commission may authorize expenditures from the fund. The  
8 fund is subject to allotment procedures under chapter 43.88 RCW, but  
9 an appropriation is not required for expenditures.

10        (2) When the funds in the account have been fully distributed, the  
11 commission must the commission shall stop authorizing public fund  
12 disbursements under sections 12 and 13 of this act. No candidate may  
13 receive any disbursement of funds beyond those authorized under  
14 sections 12 and 13 of this act, nor may any candidate receive any  
15 further disbursements of funds under sections 12 and 13 of this act  
16 when the appropriation has been exhausted. The commission may adopt  
17 rules to address distribution of remaining funds in the account for  
18 pending requests.

19  
20        NEW SECTION.    **Sec. 4.**    VOLUNTARY LIMITATIONS ON CONTRIBUTIONS FOR  
21 JUDICIAL CAMPAIGNS. A publicly financed candidate and a publicly  
22 financed candidate's authorized committee shall:

23        (1) Only accept contributions from individuals, and only as  
24 qualifying contributions under section 5 of this act;

25        (2) During the qualifying period and solely for the purpose of  
26 raising qualifying contributions, accept no more than two times the  
27 contribution limit under RCW 42.17.645 of the candidate's personal  
28 funds;

29        (3) Collect at least five hundred qualifying contributions that,  
30 in the aggregate total at least twenty-five times the filing fee for  
31 the office of supreme court justice in accordance with section 5 of  
32 this act;

33        (4) File the required reports regarding qualifying and  
34 expenditures to the commission;

1 (5) Expend only self-contributed funds or funds received from the  
2 judicial election reform act fund after being certified as a publicly  
3 funded candidate;

4 (6) Sign a joint statement with the treasurer of the publicly  
5 financed candidate's authorized committee, under oath, promising to  
6 comply with the provisions of this chapter; and

7 (7) Comply with the provisions of this chapter to the extent  
8 required for publicly funded candidates as prescribed by the  
9 commission.

10

11 NEW SECTION. **Sec. 5.** APPLICATION FOR CERTIFICATION. A candidate  
12 who wishes to receive public campaign funds must:

13 (1) File an application with the commission declaring his or her  
14 intent to participate in the program as a candidate for the supreme  
15 court. The application must be filed before or during the qualifying  
16 period. In the application, the candidate must affirm that only one  
17 political committee, identified with its treasurer, must handle all  
18 contributions, expenditures, and obligations for the publicly financed  
19 candidate and that the candidate will comply with the provisions set  
20 forth in sections 1 through 21 of this act and rules adopted by the  
21 commission; and

22 (2) Obtain at least five hundred qualifying contributions not  
23 including self-contributed funds that, in the aggregate total at least  
24 twenty-five times the filing fee for the office by the end of the  
25 qualifying period. No payment, gift, or anything of value may be  
26 given in exchange for a qualifying contribution. A qualifying  
27 contribution must be:

28 (a) Made by a registered voter of the state;

29 (b) Made by a person who is not given anything of value in  
30 exchange for the qualifying contribution;

31 (c) In an amount of at least ten dollars but not more than twenty-  
32 five percent of the contribution limit allowed under RCW 42.17.645;

33 (d) Received during the qualifying period by the candidate or on  
34 behalf of the candidate; and

1 (e) Made by check, money order, or credit card.

2  
3 NEW SECTION. **Sec. 6.** CERTIFICATION AS A PUBLICLY FINANCED

4 CANDIDATE. (1) Upon receipt of an application, the commission must  
5 determine whether or not the candidate has complied with the following  
6 requirements:

7 (a) Signed and filed an application to participate;

8 (b) Submitted a report itemizing the qualifying contributions  
9 received. The report must include the name, home address, telephone  
10 number, and county of residence for each person who made a  
11 contribution and the date the contribution was received, and any other  
12 information required by the commission;

13 (c) Submitted a check or money order equal to the total qualifying  
14 contributions, less money expended for the purpose of raising  
15 qualifying contributions received by the candidate in accordance with  
16 section 7 of this act, made out to the judicial election reform act  
17 fund; and

18 (d) Submitted affidavits signed by persons collecting qualifying  
19 contributions stating that, to the best of his or her knowledge, the  
20 contribution was made by a registered voter of the state.

21 (2) Once the requirements in subsection (1) of this section are  
22 met, the commission must verify that pursuant to section 5 of this  
23 act, a sufficient number of qualifying contributions were made by  
24 registered voters of the state at the time the contribution was made.

25 (3) The commission must determine if a candidate meets the  
26 requirements for public financing within seven calendar days of the  
27 filing of an application. If the requirements of subsection (2) of  
28 this section are met, the commission must certify the candidate for  
29 public financing. If the commission denies certification, it must  
30 provide written reasons why certification is denied. Any candidate  
31 who is denied certification may reapply one time by submitting the  
32 required information or the number of qualifying contributions needed  
33 to complete the certification within fourteen calendar days of the  
34 date of the commission's decision.

1 (4) A candidate who is certified as a publicly financed candidate  
2 may use that designation in campaign materials and will be so  
3 designated in the state voters' pamphlet.

4  
5 NEW SECTION. **Sec. 7.** QUALIFYING CONTRIBUTIONS. A publicly  
6 financed candidate may expend money received as qualifying  
7 contributions, as well as the candidate's personal funds, to pay for  
8 expenses related to raising qualifying contributions. The amount of  
9 qualifying contributions used for this purpose may not exceed twenty-  
10 five percent of the minimum dollar amount of qualifying contributions  
11 required under section 5 of this act. Expenditures made for the  
12 purpose of this section must be reported as required under RCW  
13 42.17.080 and 42.17.090 or as determined by the commission by rule.

14  
15 NEW SECTION. **Sec. 8.** CONTROLS ON A PUBLICLY FINANCED CANDIDATE'S  
16 AUTHORIZED COMMITTEE. A publicly financed candidate and the publicly  
17 financed candidate's authorized committee must file the reports  
18 required pursuant to this chapter as determined by the commission.

19  
20 NEW SECTION. **Sec. 9.** USES OF PUBLIC FUNDS. (1) Money in the  
21 account of a publicly financed candidate's authorized committee may  
22 only be used for purposes directly related to the candidate's  
23 campaign.

24 (2) Money in the account of a publicly financed candidate's  
25 authorized committee may not be used to pay fines or civil penalties,  
26 for costs or legal fees related to representation before the  
27 commission, or for defense of an enforcement action under this  
28 chapter. Nothing in this chapter prevents a publicly financed  
29 candidate from having a legal defense fund.

30  
31 NEW SECTION. **Sec. 10.** RETURN OF FUNDS. (1) If a candidate  
32 attempts to qualify for public funding but does not meet the threshold  
33 for qualification, withdraws from the program before certification, is  
34 denied certification under section 6 of this act, or revokes

1 participation under section 11 of this act, the candidate must pay to  
2 the fund the total dollar amount of qualifying contributions received  
3 during the qualifying period, less money expended for the purpose of  
4 raising qualifying contributions and the candidate's own self-  
5 contributed funds in accordance with section 7 of this act.

6 (2) Publicly financed candidates must return all unused funds,  
7 less the candidate's own self-contributed funds, to the judicial  
8 election reform act fund within thirty calendar days of the date they  
9 are no longer a candidate.

10

11 NEW SECTION. **Sec. 11.** REVOCATION. (1) A publicly financed  
12 candidate may revoke in writing to the commission a decision to  
13 participate in the public financing program no later than June 30th in  
14 the year of the election. After a timely revocation, that candidate  
15 may accept and expend money outside the provisions of this act.  
16 Within thirty days after revocation, a candidate must return to the  
17 commission all money received from the judicial election reform act  
18 fund.

19 (2) A publicly financed candidate who revokes a decision to  
20 participate in the public financing program after the time period  
21 established in subsection (1) of this section must return all money  
22 received from the judicial election reform act fund and pay a fine of  
23 one thousand dollars per day for each day beyond the allowed  
24 revocation period and the day the candidate revokes.

25

26 NEW SECTION. **Sec. 12.** CAMPAIGN FUNDING. (1)(a) Within five  
27 business days after a publicly financed candidate's name is approved  
28 to appear on the primary ballot by the appropriate elections officer,  
29 the commission must authorize the state treasurer to distribute to the  
30 account of the authorized committee of each certified publicly  
31 financed candidate an amount set, by rule, based on the number of  
32 participating candidates filing for office. No candidate may receive  
33 an amount greater than one hundred times the filing fee as established  
34 in RCW 29A.24.091 for the primary.

1 (b) Within five business days after a publicly financed  
2 candidate's name is approved to appear on the general election ballot,  
3 the commission must authorize the state treasurer to distribute funds  
4 to the account of the authorized committee of each certified publicly  
5 financed candidate in an amount equal to one hundred twenty-five times  
6 the filing fee for the office as established in RCW 29A.24.091.

7 (c) Participating candidates in uncontested elections must receive  
8 four times the filing fee as established in RCW 29A.24.091, plus the  
9 net amount of qualifying contributions previously remitted to the  
10 commission pursuant to section 6(1)(c) of this act.

11 (2) A publicly financed candidate must return within ten calendar  
12 days to the judicial election reform act fund any amount distributed,  
13 less the candidate's own self-contributed funds, for an election that  
14 is unspent and uncommitted as of the date the candidate ceases to be a  
15 candidate or as of the date of the election, whichever occurs first.

16 (3) The commission must authorize and the state treasurer must  
17 distribute funds to publicly financed candidates in a manner that  
18 ensures accountability and safeguards the integrity of the fund.

19  
20 NEW SECTION. **Sec. 13.** RESCUE FUNDS. (1) When a report is filed  
21 under this chapter or other evidence comes to the attention of the  
22 commission indicating that a nonparticipating candidate has raised  
23 more money than his or her publicly financed opponent has received in  
24 public funding, the commission must notify the publicly financed  
25 candidate of his or her eligibility for rescue funds.

26 (a) A publicly financed candidate may receive rescue funds equal  
27 to the difference between the total amount received by the  
28 nonparticipating candidate, less the nonparticipating candidate's own  
29 self-contributed funds, for each election and the amount received by  
30 the publicly financed candidate for each election. If there are  
31 multiple nonparticipating candidates who have raised more money than  
32 the publicly financed candidate has received, the publicly financed  
33 candidate is eligible for rescue funds based on the difference between  
34 the total amount raised by the nonparticipating candidate who has

1 received the most money, less that nonparticipating candidate's own  
2 self-contributed funds, and the amount received by the publicly  
3 financed candidate.

4 (b) The total amount a publicly financed candidate may receive in  
5 rescue funds is five hundred times the filing fee for the office. If  
6 rescue funds are triggered under this section, up to seventy-five  
7 percent of the funds are available to a publicly financed candidate  
8 for the primary election. If a publicly financed candidate is opposed  
9 by only one candidate, all of the authorized rescue funds may be used  
10 for the primary. A publicly financed candidate may determine when to  
11 access available rescue funds.

12 (2)(a) Independent expenditures and electioneering communications  
13 opposing a publicly financed candidate or supporting one or more  
14 nonparticipating opponents of a publicly financed candidate must be  
15 considered as contributions to each opposing candidate and the  
16 commission must authorize rescue funds pursuant to subsection (1) of  
17 this section to the publicly financed candidate.

18 (b) Independent expenditures and electioneering communications  
19 supporting a publicly financed candidate must be considered, for every  
20 opposing publicly financed candidate, as though the independent  
21 expenditures or electioneering communications were a contribution to a  
22 nonparticipating opponent and the commission must authorize rescue  
23 funds pursuant to subsection (1) of this section to each opposing  
24 publicly financed candidate.

25 (c) For purposes of this section, expenditures made by a  
26 nonparticipating candidate and independent expenditures and  
27 electioneering communications are deemed to have been made the day the  
28 independent expenditure or electioneering communication is contracted  
29 for, agreed to, or otherwise obligated.

30 (3) For purposes of this section, a candidate's own self-  
31 contributed funds do not trigger rescue funds and may not be  
32 considered in the calculation for rescue funds.

33

34

1 (4) If adequate funding is not available to fully equalize funding  
2 for publicly financed candidates under this section, the commission  
3 may authorize a lesser amount.

4

5 NEW SECTION. **Sec. 14.** REPORTS. (1)(a) Any nonparticipating  
6 candidate who has a publicly financed opponent must report total  
7 contributions received, including self-contributed funds, to the  
8 commission electronically within twenty-four hours after the total  
9 amount of contributions received exceeds eighty percent of the amount  
10 authorized for publicly financed candidates under section 12 of this  
11 act, and must make subsequent reports as required by the commission to  
12 monitor contributions.

13 (b) Any person making independent expenditures or electioneering  
14 communications in excess of three thousand dollars in support of or  
15 opposition to a publicly financed candidate, or in support of a  
16 candidate opposing a publicly financed candidate, must file a report  
17 with the commission within twenty-four hours of the date the  
18 independent expenditure or electioneering communication is contracted  
19 for, agreed to, or otherwise obligated. The report must include the  
20 following information:

21 (i) The name and address of the sponsor;

22 (ii) The source of funds for the independent expenditure or  
23 electioneering communication;

24 (iii) Any other source information required by the commission by  
25 rule;

26 (iv) The name and address of the person to whom the independent  
27 expenditure or electioneering communication expenditure was made;

28 (v) A detailed description of the expenditure;

29 (vi) The date the expenditure was contracted for, agreed to, or  
30 otherwise obligated;

31 (vii) The amount of the expenditure; and

32 (viii) Any other information the commission may require.

33 (c) The commission may adopt rules implementing the provisions of  
34 this section, including rules that determine (i) whether filing under

1 this section satisfies the filing requirements under other provisions  
2 of this chapter, and (ii) when the reporting requirements of this  
3 section are no longer warranted because a publicly financed candidate  
4 has received the maximum amount of rescue funds permitted by this  
5 section.

6 (2) Publicly financed candidates must report in accordance with  
7 rules adopted by the commission. A publicly financed candidate who  
8 revokes his or her participation in the program, who ceases to be a  
9 candidate, or who loses an election must file a final report with the  
10 commission and return any unspent disbursements received from the  
11 judicial election reform act fund, less self-contributed funds. In  
12 developing reporting requirements for publicly financed candidates,  
13 the commission must use existing campaign reporting procedures when  
14 determined practicable by the commission.

15 (3) Any person who fails to report a contribution or expenditure  
16 as required by this section is subject to a civil penalty equal to the  
17 contribution or expenditure not reported.

18 (4) The commission must ensure prompt public access to the reports  
19 received under this section.

20  
21 NEW SECTION. **Sec. 15.** DISQUALIFICATION FROM PROGRAM. If the  
22 commission finds that a publicly financed candidate or the publicly  
23 financed candidate's committee is accepting or expending money outside  
24 the provisions of section 4 of this act, the candidate is disqualified  
25 from the program, is subject to a civil penalty under RCW 42.17.390,  
26 and must return all money received from the judicial election reform  
27 act fund, less self-contributed funds.

28  
29 NEW SECTION. **Sec. 16.** IMPLEMENTATION AND ENFORCEMENT DUTIES. In  
30 implementing the provisions of the judicial election reform act, the  
31 commission shall:

32 (1) Prescribe forms for reports, statements, notices, and other  
33 documents as required by sections 1 through 21 of this act;

34

1 (2) Prepare and publish instructions to facilitate compliance with  
2 sections 1 through 21 of this act and explaining the duties of persons  
3 and committees under sections 1 through 21 of this act;

4 (3) Adopt rules to carry out the policies of sections 1 through 21  
5 of this act. These rules are not subject to the time restrictions of  
6 RCW 42.17.370(1); and

7 (4) Enforce the provisions of sections 1 through 21 of this act,  
8 ensure that money transferred from the judicial election reform act  
9 fund into the account of an authorized committee of a publicly  
10 financed candidate is spent as specified, and monitor reports filed  
11 and financial records of candidates as needed to ensure that rescue  
12 funds are promptly authorized to opposing qualified candidates under  
13 section 13 of this act.

14

15 NEW SECTION. **Sec. 17.** EXPEDITED ADMINISTRATIVE REVIEW. (1) The  
16 commission shall develop an expedited administrative review process  
17 that is not subject to the adjudicative proceedings of chapter 34.05  
18 RCW. However, commission findings are subject to judicial review  
19 under RCW 34.05.570(4).

20 (2) The following individuals may seek expedited administrative  
21 review of commission decisions:

22 (a) Candidates and potential candidates whom the commission finds  
23 ineligible to participate in the program;

24 (b) Publicly financed candidates who are denied rescue funds; and

25 (c) Opponents of a publicly financed candidate who disagree with a  
26 decision by the commission to grant rescue funds to a publicly  
27 financed candidate.

28 (3) In an expedited administrative review process, the commission  
29 shall issue a final decision no more than five calendar days after  
30 review is requested.

31 (4) The commission may adopt rules to implement this section.

32 (5) Any petition for judicial review of a final decision in an  
33 expedited administrative review must be filed within five calendar  
34 days of the final decision. In any judicial review, the court may not

1 grant a stay or temporary relief unless it finds the conditions  
2 specified in RCW 34.05.550(3) (a), (b), and (c).

3  
4 NEW SECTION. **Sec. 18.** The commission may not offer the program  
5 in sections 1 through 17 of this act until one million dollars is in  
6 the judicial election reform act fund.

7  
8 NEW SECTION. **Sec. 19.** For the purpose of calculations required  
9 by this act, personal funds contributed by a candidate to his or her  
10 own campaign must be treated as having been expended prior to the  
11 expenditure of any other funds.

12  
13 NEW SECTION. **Sec. 20.** The commission may solicit and accept  
14 gifts, grants, conveyances, bequests, and devises of real or personal  
15 property, or both, in trust or otherwise, and sell, lease, exchange,  
16 invest, or expend these donations or the proceeds, rents, profits, and  
17 income from the donations except as limited by the donor's terms.  
18 Moneys received under this section must be deposited into the judicial  
19 election reform act fund established in section 3 of this act and may  
20 only be used for the purposes of sections 1 through 18 of this act.

21  
22 NEW SECTION. **Sec. 21.** The public disclosure commission must  
23 report to the governor and to the appropriate committees of the  
24 legislature in January of even-numbered years on the effectiveness of  
25 the judicial election reform act once the program is offered.

26  
27 **Sec. 22.** RCW 42.17.390 and 2006 c 315 s 2 are each amended to  
28 read as follows:

29 One or more of the following civil remedies and sanctions may be  
30 imposed by court order in addition to any other remedies provided by  
31 law:

32 (1) If the court finds that the violation of any provision of this  
33 chapter by any candidate or political committee probably affected the  
34 outcome of any election, the result of said election may be held void

1 and a special election held within sixty days of such finding. Any  
2 action to void an election shall be commenced within one year of the  
3 date of the election in question. It is intended that this remedy be  
4 imposed freely in all appropriate cases to protect the right of the  
5 electorate to an informed and knowledgeable vote.

6 (2) If any lobbyist or sponsor of any grass roots lobbying  
7 campaign violates any of the provisions of this chapter, his or her  
8 registration may be revoked or suspended and he or she may be enjoined  
9 from receiving compensation or making expenditures for lobbying(~~(+~~  
10 ~~PROVIDED, HOWEVER, That~~)). However, imposition of such sanction shall  
11 not excuse said lobbyist from filing statements and reports required  
12 by this chapter.

13 (3) Any person who violates any of the provisions of this chapter  
14 may be subject to a civil penalty of not more than ten thousand  
15 dollars for each such violation. However, a person or entity who  
16 violates RCW 42.17.640 and 42.17.645 may be subject to a civil penalty  
17 of ten thousand dollars or three times the amount of the contribution  
18 illegally made or accepted, whichever is greater.

19 (4) Any person who fails to file a properly completed statement or  
20 report within the time required by this chapter may be subject to a  
21 civil penalty of ten dollars per day for each day each such  
22 delinquency continues.

23 (5) Any person who fails to report a contribution or expenditure  
24 as required by this chapter may be subject to a civil penalty  
25 equivalent to the amount not reported as required.

26 (6) The court may enjoin any person to prevent the doing of any  
27 act herein prohibited, or to compel the performance of any act  
28 required herein.

29 (7)(a) The civil penalty for a violation of a contribution or  
30 expenditure limit established under section 4 of this act by or on  
31 behalf of a publicly financed candidate is ten times the amount by  
32 which the expenditures or contributions exceed the applicable limit.  
33 If the violation occurs within five days of an election, the civil  
34 penalty is twenty times the amount by which the expenditures or

1 contributions exceed the applicable limit. A publicly financed  
2 candidate found to have knowingly committed a violation of the  
3 expenditure or contribution limits under section 4 of this act must  
4 pay the applicable fines, surrender all money in the candidate's  
5 authorized committee account, less self-contributed funds, to the  
6 judicial election reform act fund, and will cease to be a publicly  
7 financed candidate.

8 (b) In addition to any other penalties imposed by law, the civil  
9 penalty for a violation by or on behalf of a publicly financed  
10 candidate of a reporting requirement imposed by this chapter is one  
11 hundred dollars per day. A civil penalty imposed under this  
12 subsection (7)(b) may not exceed twice the amount of expenditures or  
13 contributions not reported in a timely manner. The candidate and the  
14 candidate's authorized committee are jointly and severally responsible  
15 for a civil penalty imposed under this subsection.

16 (c) The civil penalty for a violation of the revocation  
17 requirement imposed by section 11 of this act is one thousand dollars  
18 per day for each day past the period allowed for a timely revocation.

19 (d) The civil penalty for a violation of the reporting provisions  
20 in section 14 of this act is equal to the amount not reported, less  
21 self-contributed funds.

22 (e) All civil penalties collected under this subsection must be  
23 deposited into the judicial election reform act fund.

24  
25 **Sec. 23.** RCW 3.62.060 and 2009 c 572 s 1 and 2009 c 372 s 1 are  
26 each reenacted and amended to read as follows:

27 Clerks of the district courts shall collect the following fees for  
28 their official services:

29 (1) In any civil action commenced before or transferred to a  
30 district court, the plaintiff shall, at the time of such commencement  
31 or transfer, pay to such court a filing fee of forty-three dollars  
32 plus any surcharge authorized by RCW 7.75.035. Any party filing a  
33 counterclaim, cross-claim, or third-party claim in such action shall  
34 pay to the court a filing fee of forty-three dollars plus any

1 surcharge authorized by RCW 7.75.035. No party shall be compelled to  
2 pay to the court any other fees or charges up to and including the  
3 rendition of judgment in the action other than those listed.

4 (2) For issuing a writ of garnishment or other writ, or for filing  
5 an attorney issued writ of garnishment, a fee of twelve dollars.

6 (3) For filing a supplemental proceeding a fee of twenty dollars.

7 (4) For demanding a jury in a civil case a fee of one hundred  
8 twenty-five dollars to be paid by the person demanding a jury.

9 (5) For preparing a transcript of a judgment a fee of twenty  
10 dollars.

11 (6) For certifying any document on file or of record in the  
12 clerk's office a fee of five dollars.

13 (7) At the option of the district court:

14 (a) For preparing a certified copy of an instrument on file or of  
15 record in the clerk's office, for the first page or portion of the  
16 first page, a fee of five dollars, and for each additional page or  
17 portion of a page, a fee of one dollar;

18 (b) For authenticating or exemplifying an instrument, a fee of two  
19 dollars for each additional seal affixed;

20 (c) For preparing a copy of an instrument on file or of record in  
21 the clerk's office without a seal, a fee of fifty cents per page;

22 (d) When copying a document without a seal or file that is in an  
23 electronic format, a fee of twenty-five cents per page;

24 (e) For copies made on a compact disc, an additional fee of twenty  
25 dollars for each compact disc.

26 (8) For preparing the record of a case for appeal to superior  
27 court a fee of forty dollars including any costs of tape duplication  
28 as governed by the rules of appeal for courts of limited jurisdiction  
29 (RALJ).

30 (9) At the option of the district court, for clerk's services such  
31 as processing ex parte orders, performing historical searches,  
32 compiling statistical reports, and conducting exceptional record  
33 searches, a fee not to exceed twenty dollars per hour or portion of an  
34 hour.

1 (10) For duplication of part or all of the electronic recording of  
2 a proceeding ten dollars per tape or other electronic storage medium.

3 (11) For filing any abstract of judgment or transcript of judgment  
4 from a municipal court or municipal department of a district court  
5 organized under the laws of this state a fee of forty-three dollars.

6 (12) At the option of the district court, a service fee of up to  
7 three dollars for the first page and one dollar for each additional  
8 page for receiving faxed documents, pursuant to Washington state rules  
9 of court, general rule 17.

10 (13) Until July 1, 2011, in addition to the fees required by  
11 subsection (1) of this section, clerks of the district courts shall  
12 collect a surcharge of twenty dollars on all fees required by  
13 subsection (1) of this section, which shall be remitted to the state  
14 treasurer for deposit in the judicial stabilization trust account.  
15 This surcharge is not subject to the division and remittance  
16 requirements of RCW 3.62.020.

17 (14) Effective July 1, 2010, in addition to the fees required by  
18 subsection (1) of this section, clerks of the district courts shall  
19 collect a judicial integrity surcharge of three dollars on all fees  
20 required by subsection (1) of this section, which must be remitted to  
21 the state treasurer for deposit in the judicial election reform act  
22 fund. This surcharge is not subject to the division and remittance  
23 requirements of RCW 3.62.020.

24 The fees or charges imposed under this section (~~shall be~~) are  
25 allowed as court costs whenever a judgment for costs is awarded.

26  
27 NEW SECTION. Sec. 24. A new section is added to chapter 36.18  
28 RCW to read as follows:

29 Effective July 1, 2010, a three-dollar judicial integrity  
30 surcharge shall be added to each of the fees in RCW 36.18.012, except  
31 for subsection (10), RCW 36.18.016, and 36.18.020, and must be  
32 remitted to the state treasurer for deposit in the judicial election  
33 reform act fund. Surcharges collected under this section are not  
34 subject to the division and remittance requirements of RCW 36.18.025

1 or 27.24.070 and no surcharge under this section shall be applied to  
2 any fee which, before applying other surcharges, is less than \$20.

3  
4 NEW SECTION. **Sec. 25.** Sections 1 through 21 of this act may be  
5 known and cited as the judicial election reform act.

6  
7 NEW SECTION. **Sec. 26.** Sections 1 through 21 of this act are each  
8 added to chapter 42.17 RCW.

9  
10 NEW SECTION. **Sec. 27.** If any provision of this act or its  
11 application to any person or circumstance is held invalid, the  
12 remainder of the act or the application of the provision to other  
13 persons or circumstances is not affected.

15

16

EFFECT: Removes an irrelevant reference to the state treasurer  
by request of the office of state treasurer; prevents the  
imposition of a three dollar judicial integrity surcharge on fees  
that total less than twenty dollars.

--- END ---